

REMARKS

Favorable consideration and allowance are respectfully requested for claims 1-24 in view of the foregoing amendments and the following remarks.

Claim 8 is amended to clarify the invention claimed therein. The arrangement set forth in amended claim 8 is supported by the specification, at least, for instance, in Figure 3 and the related text appearing on page 20 at lines 1-17.

The rejection of claims 8 and 13 under 35 U.S.C. § 112 as indefinite is respectfully traversed.

Claim 8 is amended to delete the objected-to phrase "an identical flow path".

Claim 13 is amended to provide proper antecedent basis for the terms "source gas" and "carrier gas."

These amendments correct the deficiencies cited in the rejection and reconsideration and withdrawal of the rejection are respectfully requested.

The rejection of claims 1-5, 7, 9-11 and 13 under 35 U.S.C. § 102 over JP 5-259093 is respectfully traversed.

As amended, the claims are directed to a film-formation apparatus where the source gas is produced by vaporizing a solid source or liquid source. This achieves a stable supply of the source gas produced as a result of vaporization of solid or liquid source material. Support for these amendments may be found in the specification, at least, for instance, on page 2, lines 1 and 2. In the claims, the flow rate of a diluting inert gas is adjusted in response to the measured concentration of a source gas being transported through a gas transportation path. In this way, the concentration of the source gas can be accurately and precisely controlled.

JP'093 discloses a CVD apparatus controlling the concentration of impurities in a reaction gas by detecting the concentration of impurities and

controlling the concentration to a set value. Reviewing the English language text available in the Derwent abstract provided with the Office Action, the reference is entirely silent as to the features of the presently claimed invention, including increasing or decreasing the flow rate of a diluting inert gas added to a carrier gas based on the concentration of the source gas transported through a source gas transportation path.

Accordingly, the reference fails to teach each and every element of the claimed invention and cannot anticipate the claims. Reconsideration and withdrawal of the rejection are respectfully requested.

The rejection of claims 1-5, 9-11 and 13 under 35 U.S.C. § 102 over JP 6-5505 is respectfully traversed.

Reviewing the English language text available in the Derwent abstract provided with the Office Action, JP'505 teaches a preprocessing apparatus for photoresist formation, and not a chemical vapor deposition apparatus as the present claims are directed to. JP'505 discloses measuring the concentration of chemicals and applying a feedback control to the flow rate of the chemicals supplied to a processing vessel of the preprocessing apparatus, where the apparatus of the JP'505 reference measures the concentration of the chemicals in the closed chamber.

Because the apparatus of JP'505 is not a CVD apparatus, measurement of concentration of the chemicals in the environment of the processing vessel may provide a meaningful result. However, in the case of a CVD apparatus such as the present invention, the source gas introduced into processing vessel immediately causes chemical reaction, and thus measurement of the source gas concentration level in the processing vessel does not provide a meaningful result for the feedback control of supply of the source gas.

To further clarify the distinction, claims 1, 13 and 14 now recite that the measurement of the source gas is made in the gas transport path leading to the

processing chamber. Support for these amendment may be found in the specification, at least, for instance in Figure 4 and the related text appearing on page 25 at lines 20-31.

The remaining claim rejections, under 35 U.S.C. § 103(a), all rely on either JP'093 or JP'505, as a primary reference, and any of Harada et al. (US 6,202,653), Satake et al. (JP 2001-234348), Tokai et al (U.S. Publication No. 2002/0014700), and Suzuki (JP 58-67864), including various combinations thereof. These rejections are all respectfully traversed.

None of the cited secondary or tertiary references make up for the failure of the primary reference, in each case, to teach the missing elements of the claimed invention explained above. Accordingly, even assuming, *arguendo*, that one of skill in the art were to try to combine the references as proposed in the Office Action, the resulting combinations would not teach each and every element of the claims. A *prima facie* case of obvious requires a reference or combination of references that teaches or suggests all of the claim limitations.

Because the proposed combinations of references fail to teach or suggest each and every element of the claimed invention, the obviousness rejections cannot be maintained. Reconsideration and withdrawal thereof are respectfully requested.

CONCLUSION

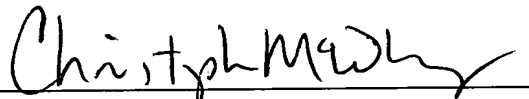
In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010986.52578US).

September 22, 2005

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